

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

In re: Carlton M. Roberts Debtor	Chapter 13
Stearns Lending, LLC, or its Successor or Assignee	Bankruptcy No. 17-03116 JJT
Movant	
vs.	
Carlton M. Roberts Charles J. DeHart, III Respondents	

SETTLEMENT STIPULATION

WHEREAS, on July 28, 2017, Carlton M. Roberts (the "Debtor") filed a Petition under Chapter 13 of the Bankruptcy Code in the United States Bankruptcy Court for the Middle District of Pennsylvania;

WHEREAS, on May 7, 2018, Stearns Lending, LLC (Movant) filed a Motion for Relief from the Automatic Stay pursuant to 11 U.S.C. Section 362(a) (the "Motion") regarding property located at: 3120 Fern Road, Pocono Summit, Pennsylvania 18346;

WHEREAS, Movant and the Debtor are desirous of settling the dispute among and between themselves;

NOW THEREFORE, each in consideration of the promises of the other and intending to be legally bound, subject to the approval of the Bankruptcy Court, it is hereby agreed by and among counsel for Movant, by and through its attorneys, ANN E. SWARTZ, ESQUIRE, ALEXANDRA T. GARCIA, ESQUIRE, AND RAYMOND M. KEMPINSKI, ESQUIRE, and the Debtor, by and through his/her counsel, Timothy B. Fisher, II, Esquire, ("Debtor's Counsel") as follows:

1. The parties hereby certify that the post-petition delinquency is \$6,406.46,

consisting of post-petition payments for the months of April 1, 2018 through June 1, 2018.

Debtor's monthly mortgage payment is \$1,809.34. Movant has incurred attorney fees and costs totaling \$1,031.00. Debtor is credited with funds in suspense in the amount of \$52.56.

2. Within thirty (30) days of the date of this Stipulation, the Debtor shall file an Amended Chapter 13 Plan to provide cure for the balance of the post-petition delinquency in the amount of \$6,406.46 as referenced in Paragraph 1 of this Stipulation.

3. Upon filing of the Amended Chapter 13 Plan, Movant shall amend its Proof of Claim to include the balance of the post-petition delinquency in the amount of \$6,406.46 as referenced in Paragraph 1 of this Stipulation.

4. Debtor shall resume making regular monthly mortgage payments in the amount of \$1,809.34 beginning on July 1, 2018

5. All payments are to be made payable to Stearns Lending, LLC at the following address: LoanCare, 3637 Sentara Way, Virginia Beach, Virginia 23452-4262.

6. The last four digits of your loan number 7367. Please remember to write your entire account number on the lower left-hand corner of your payment to ensure proper processing.

7. Should Debtor fail to comply with any of the terms of this Stipulation, including but not limited to, failure to file an Amended Chapter 13 Plan providing for cure of the post-petition delinquency, failure to make the above described payments, or any regular monthly mortgage payment commencing after the cure of the post-petition delinquency, then Movant may send Debtor and counsel a written notice of default of this Stipulation. If the default is not cured within ten (10) days of the date of the notice, counsel for Movant may file a Certification of Default with the Court. Said Certification of Default may include a certification of Debtor's failure to pay subsequent payments that fall due after the date of the notice of default. Upon Certification, the Court shall enter an Order granting relief from the automatic stay as to the

mortgaged property.

8. In the event the Debtor converts his/her case to Chapter 11, the terms of this Stipulation shall remain in full force and effect. In the event that Debtor converts his/her case to a Chapter 7, Debtor shall cure all pre-petition and post-petition arrears within ten (10) days of the date of conversion. Failure to cure the arrears shall constitute an event of default under this Stipulation and Movant may send Notice of Default and certify default as set forth in the preceding paragraph.

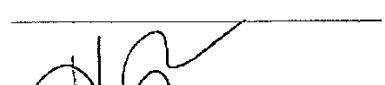
9. Attorney fees and costs for issuing Notice to Cure, Notice / Certificate / Affidavit of Default, and order for relief are recoverable and may be added to the arrearage.

10. Counsel for Debtor has authority to settle this matter on behalf of his/her clients.


Ann E. Swartz, Esquire
Alexandra T. Garcia, Esquire
Raymond M. Kempinski, Esquire
McCabe, Weisberg & Conway, LLC
123 S. Broad Street
Suite 1400
Philadelphia, PA 19109
Attorney for Movant

7-17-18

Date:


Timothy B. Fisher, II, Esquire
Fisher and Fisher Law Offices
PO Box 396
525 Main Street
Gouldsboro, Pennsylvania 18424
Attorney for Debtor

7/17/18

Date:


for
Charles J. DeHart, III
8128 Adams Drive
Suite A
Hummelstown, Pennsylvania 17036

7/19/18

Date:

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FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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Debtor

Stearns Lending, LLC, or its Successor or
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vs.

Carlton M. Roberts

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Respondents

Chapter 13

Bankruptcy No. 17-03116 JJT

ORDER GRANTING SETTLEMENT STIPULATION

It is hereby ORDERED that the Stipulation to Settle Motion of Stearns Lending, LLC for
Relief from the Automatic Stay is hereby APPROVED.